

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00114

RONALD BARNETTE

Defendant.

DEFENDANT'S MOTION TO TERMINATE PROBATION

Defendant Ronald Barnette, through counsel, hereby moves to terminate his term of probation, pursuant to 18 U.S.C. § 3564(c). Mr. Barnette states the following in support of this motion:

1. On May 14, 2014, Mr. Barnette entered into a Plea Agreement (Docket #10) with the United States. On July 14, 2014, Mr. Barnette entered a guilty plea to a single-count Information charging him with a violation of 18 U.S.C. § 1001. On February 25, 2015, the Court imposed a 3-year term of probation and a \$20,000 fine, which the Defendant promptly paid. The Court also imposed a six-month term of home confinement with electronic monitoring. On December 1, 2015, however, this Court entered an Order Modifying Conditions of Probation (Docket #48) granting Defendant's Motion to Modify Conditions of Probation and modifying the conditions of probation to eliminate the six-month term of home confinement with electronic monitoring.

2. Defendant has been under the supervision of the Probation Department since his guilty plea hearing and initial appearance before this Court on July 14, 2014. In this period of over two years, Defendant has been an exemplary probationer. He has had no issues whatsoever

in complying with the conditions of his probation and the instructions of his supervising probation officer. He has met his financial obligations and refrained from any additional criminal conduct. Moreover, Mr. Barnette has maintained steady self-employment through his mining repair and movie theater businesses during the entire term of his probation.

3. Mr. Barnette's self-employment provides further justification for early termination of his probation. Given the depressed state of the coal economy in Southern West Virginia and Central Appalachia, Mr. Barnette needs to travel freely for business. In particular, Mr. Barnette's business activities necessitate international travel, which is extremely difficult, if not impossible, for a federal probationer who has surrendered his passport. Mr. Barnette has been asked to travel this fall to South Africa by R. Roger Baughan, the chairman, president, and CEO of the The Baughan Group, to discuss potential business opportunities there in the mining business. These same opportunities do not exist in Mr. Barnette's field in the United States. Mr. Barnette requests that his term of probation be terminated in order to facilitate these activities, which are critically important to the success of his business.

4. Mr. Barnette's exemplary behavior while on probation, together with his need to travel freely in connection with his business, demonstrates that early termination of his probation is "warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c).

5. The undersigned has previously conferred with the U.S. Probation Officer assigned to supervise Mr. Barnette, who indicated the Court's standard position on the early termination of probation. That being said, Mr. Barnette wishes to move for early termination of his probation for the unique reasons stated above.

6. Pursuant to Rule 32.1(c), a hearing must be held before modifying the conditions of probation unless (1) the person waives the hearing, (2) the relief sought is favorable to the

person, and (3) an attorney for the government has received notice of the relief sought, has had a reasonable opportunity to object, and has not done so. Defendant waives a hearing in this case, and the relief sought is favorable to him. The undersigned has conferred with counsel for the United States, however, who has indicated that the United States opposes the relief sought in this motion.

WHEREFORE, Mr. Barnette, respectfully requests that the Court terminate his term of probation.

Dated: October 10, 2016

Respectfully submitted,

RONALD BARNETTE,
By Counsel.

/s/Michael B. Hissam

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2016, I filed the foregoing **Defendant's Motion to Terminate Probation** using the Court's CM/ECF system, which will cause a copy to be served upon the following:

Meredith George Thomas, Esq.
Assistant United States Attorney
Robert C. Byrd Courthouse
300 Virginia Street East, Suite 4000
Charleston, WV 25301

/s/Michael B. Hissam
Michael B. Hissam (WVSB #11526)